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Letter dated 31 October 2001 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

I have the honour to refer to the regional workshop on the formulation of strategies for the promotion of economic, social and cultural rights, organized by the Office of the United Nations High Commissioner for Human Rights and the Argentine Ministry of Foreign Affairs, which was held in Buenos Aires from 24 to 27 October 2001.

The purpose of the workshop, which was attended by the High Commissioner, Mrs. Mary Robinson, was to provide a forum where the States of Latin America and the Caribbean could study and discuss strategies and components for the elaboration of policies designed to promote economic, social and cultural rights.

The conclusions reached at the regional workshop are closely related to the items to be discussed in the Third Committee of the General Assembly of the United Nations from Tuesday, 6 November onwards (agenda item 119 (a)).

I should therefore be very grateful if you would arrange for the final conclusions of the aforementioned workshop, which are attached hereto (see annex), to be distributed as a document of the General Assembly under agenda item 119 (a).

(*Signed*) Arnoldo M. **Listre**
Ambassador
Permanent Representative

* Reissued for technical reasons.

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Annex to the letter dated 31 October 2001 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

Final conclusions of the regional workshop on the formulation of strategies for the promotion of economic, social and cultural rights

Buenos Aires, 24-27 October 2001

The participants in the regional workshop on the formulation of strategies for the promotion of economic, social and cultural rights, held in Buenos Aires, the Argentine Republic, from 24 to 27 October 2001 — representatives of Governments and national institutions for the promotion and protection of human rights and civil society in Latin America and the Caribbean, supported by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Development Programme (UNDP) and the United Nations Economic Commission for Latin America and the Caribbean (ECLAC),

Expressing their gratitude to the Government of the Argentine Republic for hosting the regional workshop; to Mrs. Mary Robinson, United Nations High Commissioner for Human Rights, for her valuable participation in the workshop meetings and her support of activities for the promotion and protection of human rights in Latin America and the Caribbean; to the Resident Coordinator of the United Nations system in Argentina; to the exhibitors, the representatives of national institutions for the promotion and protection of human rights participating in the workshop and the representatives of various international, regional, subregional and national non-governmental organizations for their valuable contribution to the work and to the discussion of the subject,

Recalling the framework of cooperation for Latin America and the Caribbean adopted at the end of the regional seminar on the promotion and protection of human rights, likewise organized with the support of OHCHR, held in Quito, Ecuador from 29 November to 1 December 1999,

Considering that the promotion and protection of human rights is a priority theme of the Charter of the United Nations,

Recognizing that the right of human beings to live free from fear and poverty cannot be realized unless, in accordance with the Universal Declaration of Human Rights and the other international human rights instruments, conditions are created enabling all human beings to enjoy to the full their economic, social and cultural rights, as well as their civil and political rights,

Recalling that in the Declaration and Programme of Action adopted by the World Conference on Human Rights in Vienna on 25 June 1993, States reaffirmed their commitment to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms,

Recalling also that in the Vienna Declaration and Programme of Action, the international community commits itself to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds. It is the duty of States, regardless of their political,

economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Bearing in mind that the Vienna Declaration and Programme of Action states that human rights education, training and public information are essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace,

Recalling the Plan of Action for the United Nations Decade on Human Rights Education (1995-2004),

Reaffirming the multicultural and pluri-ethnic character of the region and the contribution of people of African descent, migrants and indigenous peoples to the development of its societies,

Recognizing and affirming that all human rights originate in the dignity and value of the human person, who is the central subject of human rights and fundamental freedoms and should therefore be the main beneficiary of those rights and freedoms and participate actively in their realization,

Considering that there is a close relationship between the realization of economic, social and cultural rights and the realization of civil and political rights, since the various categories of rights constitute an indissoluble whole based on recognition of the dignity of the human person and therefore require permanent protection and promotion with a view to ensuring their full realization, so that there can never be any justification for violating one category of rights in order to realize others,

Considering that all human rights are universal, indivisible, interdependent, and interrelated, and that the promotion and observance of economic, social and cultural rights are consubstantial with integrated development, equitable economic growth and the consolidation of democracy in the States of the region,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are mutually supportive concepts: democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural regime and their full participation in all aspects of life. In that context, the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and carried out unconditionally. The international community should support the strengthening and promotion of democracy, development and respect for human rights and fundamental freedoms throughout the world,

Emphasizing the importance of the Declaration and Programme of Action of Santiago, adopted at the Regional Conference of the Americas against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Santiago, Chile, in December 2000,

Bearing in mind the results of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,

Recognizing the work done by the Organization of American States (OAS) and the commitment assumed by its member States with the adoption of the Additional Protocol to the American Convention on Human Rights in the Area of Economic,

Social and Cultural Rights, the 1998 Protocol of San Salvador and drawing attention to the related work of the Inter-American Institute of Human Rights (IIDH) in the region,

Therefore, the participants in the workshop agree to:

1. Reaffirm the indissoluble connection between the democratic system and full respect for and realization of civil, political, economic, social and cultural rights, including the right to development;

2. Draw attention to the value and significance of the general observations of the Committee on Economic, Social and Cultural Rights for the interpretation of the provisions of the International Covenant, and requests States to comply fully with them;

3. Request States to continue considering the preparation of an optional protocol to the International Covenant on Economic, Social and Cultural Rights;

4. Emphasize the importance of the human rights treaty system, especially those instruments containing important norms covering economic, social and cultural rights, such as the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the American Convention on Human Rights and the Protocol of San Salvador, and call for the full application thereof;

5. Recognize the need for the adoption of internal measures and cooperation between States and with multilateral agencies with a view to gradually attaining the full realization of the following rights mentioned in the Protocol of San Salvador: 1. the right to work; 2. just, equitable and satisfactory conditions of work; 3. trade union rights; 4. the right to social security; 5. the right to health; 6. the right to housing; 7. the right to a healthy environment; 8. the right to food; 9. the right to education; 10. the right to the benefits of culture; 11. the right to the formation and the protection of families; 12. the rights of children; 13. the protection of the elderly; 14. the protection of the handicapped;

6. Reiterate the duty of States, set forth in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and other international and regional human rights instruments, to shape education with a view to strengthening respect for human rights and fundamental freedoms, including the importance of diversity;

7. Reaffirm the right to development, as proclaimed in the Declaration on the Right to Development, as a universal and inalienable right and an integral component of fundamental human rights. The international community should promote effective international cooperation and States should take measures to realize the right to development and the elimination of obstacles to development;

8. Recognize the valuable contributions to the promotion and protection of economic, social and cultural rights and the right to development of national institutions for the promotion and protection of human rights in the region, such as national human rights committees, ombudsmen, human rights procurators and other institutions, and encourage them to continue working in this area and the area of enforceability;

9. Reaffirm that the campaign against poverty, especially the effort to eradicate extreme poverty, is vital to the promotion and strengthening of democracy and is a shared responsibility of the States of the region;

10. Express their determination to prevent and attenuate the adverse effects of globalization and to develop to the maximum the benefits of globalization by strengthening cooperation, with a view to improving and expanding opportunities for trade, economic growth and sustainable development and, through the use of new technologies, increasing cultural exchanges, thereby preserving and promoting cultural diversity;

11. Emphasize that there are principal victims of the violations of economic, social and cultural rights, in particular indigenous peoples, migrants, persons of African origin, the unemployed, uneducated children, women, older persons, persons with a disability and other persons in situations subject to more severe discrimination, and call on States to adopt specific action to meet their needs;

12. Recognize the primary role to be played by the private sector in the exercise of economic, social and cultural rights, and call for joint action with Governments and civil society;

13. Take note of the ILO Declaration on Fundamental Principles and Rights at Work, and emphasize that labour standards must not be used for protectionist purposes in commerce and that those principles will not be used, and the follow-up to the Declaration will not be associated, with such purposes;

In addition, the participants call for the following actions and measures and propose that the follow-up to these conclusions and recommendations is taken:

At the national level — by the State, the national institutions to promote and protect human rights, civil society and/or jointly, as appropriate:

14. States which have not yet done so are asked to incorporate the International Covenant on Economic, Social and Cultural Rights in their national constitutions or, failing that, to endow it with the highest possible legal status and to provide channels so that the principles in question can be invoked directly before judges and tribunals;

15. In order to give adequate publicity to legal obligations in the area of economic, social and cultural rights, steps should be taken to compile and disseminate the decisions of the courts which pertain to the International Covenant and the Protocol of San Salvador;

16. It is recommended that the executive, judicial and legislative branches, together with the private sector and civil society, act together to promote the exercise of economic, social and cultural rights and the right to development;

17. The States of the region are asked to undertake to develop and implement national plans of action for human rights covering the entire range of human rights, especially economic, social and cultural rights, through a participatory process which includes civil society;

18. States are requested to adopt affirmative action to assist groups identified as discriminated against by the Declaration and Programme of Action of the

Santiago Conference of December 2000, in particular indigenous peoples, persons of African origin and migrants;

19. States are invited to compile and publish statistical data broken down by racial and ethnic groups in the areas of health, system of criminal justice, housing, education and employment, with a view to determining whether policies or programmes are having a disproportionate impact on such groups, and to take supplementary measures, when drawing up and evaluating individual policies and programmes, in order to remedy such impact;

20. States are requested to mainstream gender so as to ensure, among other things, the full and egalitarian participation of women in the political structure of their country as an essential ingredient of the promotion and exercise of democratic culture;

21. States are invited to adopt appropriate measures to ensure the enforceability of economic, social and cultural rights;

22. In determining the allocation of public funds, States are urged to accord high priority to the exercise of economic, social and cultural rights;

23. It is recommended that States give broad dissemination, especially among the members of the judiciary, to the international obligations that exist in the area of economic, social and cultural rights, and ensure that the necessary professional groups are trained, including those concerned with law enforcement and with human rights education at all levels of instruction;

24. States are asked to comply with the commitments which they assumed when signing and ratifying the International Covenant on Economic, Social and Cultural Rights and other international human rights instruments by reporting to and implementing the recommendations of the treaty bodies;

25. On the occasion of the next Human Rights Day, 10 December 2001, States are invited to report on their national plans and activities, whether already carried out or prospective, to follow up the Durban Programme of Action;

At the subregional, regional and international levels, in cooperation with OAS, the Inter-American Institute of Human Rights, UNHCHR, United Nations agencies and programmes and the international community, as appropriate:

26. UNHCHR is invited to provide, at the request of the Governments of the region, assistance and support in the preparation and development of national plans of action, working, as appropriate, in cooperation with OAS, the Inter-American Institute of Human Rights, non-governmental organizations and United Nations agencies and programmes in individual countries;

27. The recent appointment by the High Commissioner of a UNHCHR Regional Adviser, who is to be headquartered in the offices of the Economic Commission for Latin America and the Caribbean, is to be welcomed;

28. UNHCHR, and also the United Nations agencies and programmes, within the framework of their respective mandates, are invited to take the necessary steps to incorporate, in their technical cooperation activities, programmes which are appropriate to the needs of States in the field of economic, social and cultural rights and the right to development;

29. International and regional organizations and the principal international and regional financial and development institutions are asked to evaluate the impact of their policies and programmes on the enjoyment of human rights, especially economic, social and cultural rights;

30. It is recommended that the States of the region, with backstopping from UNHCHR, meet again one year from now to measure the progress made in the development of the actions and measures proposed in the present document.